

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EDWIN DEE DENNIS, JR.

*

Plaintiff,

*

v.

*

3:05-CV-919-T
(WO)

TOMMY THREAT, *et al.*,

*

Defendants.

*

ORDER ON MOTION

Pending before the court is Plaintiff's Motion for Appointment of Counsel. (Doc. No. 13.) Plaintiff's request for representation has been read, considered, and the same shall be denied. The court finds from its review of the complaint that Plaintiff is able to adequately articulate the facts and grounds for relief in the instant matter without notable difficulty. Furthermore, the court concludes that Plaintiff's complaint is not of undue complexity and that he has not shown that there are exceptional circumstances justifying appointment of counsel. *See Killian v. Holt*, 166 F.3d 1156, 1157 (11th Cir.1999); *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993); *see also Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990). Therefore, in the exercise of its discretion, the court shall deny Plaintiff's request for appointment of counsel at this time. The request may be reconsidered if warranted by further developments in this case.

Plaintiff also requests that action be taken against Defendants and that this case be

brought before the court. To the extent this request may be construed as a motion to set evidentiary hearing, it shall be denied at this time.

Accordingly, it is ORDERED that:

1. Plaintiff's Motion for Appointment of Counsel (Doc. No. 13), is DENIED; and
2. Plaintiff's request that the court take action, construed as a Motion for Evidentiary Hearing (Doc. No. 13), is DENIED.

DONE, this 3rd day of February, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE